

FILED

JUL 11 2017

Clerk, U.S. District Court
District Of Montana
Billings

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**THOMAS DEAN SMITH and
DUANE TIMOTHY SMITH, JR.,**

Defendants.

CR 16-46-BLG-SPW

**FINAL ORDER OF
FORFEITURE**

Whereas, in the indictment in the above-captioned case, the United States sought forfeiture, pursuant to 21 U.S.C. § 853, of any real or personal property of the defendants used or intended to be used to facilitate, or as proceeds of said violations;

And whereas, on December 5, 2016, Thomas Dean Smith entered into a plea agreement wherein he agreed to plead guilty to count I of the superseding information, which charged him with conspiracy to distribute and possess with

intent to distribute methamphetamine, and to count II of the superseding information, which charged him with possession of a firearm in furtherance of a drug trafficking crime;

And whereas, on November 14, 2016, Duane Timothy Smith, Jr. entered into a plea agreement wherein he agreed to plead guilty to count I of the superseding information, which charged him with conspiracy to possess with intent to distribute methamphetamine, and to count II of the superseding information, which charged him with possession of a firearm in furtherance of a drug trafficking crime;

And whereas, the defendants, pursuant to the plea agreements with the United States, agreed not to contest, or assist others in contesting, the forfeiture sought in the charging document to which the defendant pleaded guilty;

And whereas, by virtue of said guilty pleas, the United States is entitled to possession of said property, pursuant to 21 U.S.C. §§ 841(a)(1) and 853, and Rule 32.2(b)(2) of the Federal Rules of Criminal Procedure;

And whereas, beginning on May 2, 2017, and ending on May 31, 2017, the United States published on an official government internet site (www.forfeiture.gov), notice of this forfeiture and of the United States' intent to

dispose of the property listed below in accordance with federal law, under 21 U.S.C. § 853(n)(1):

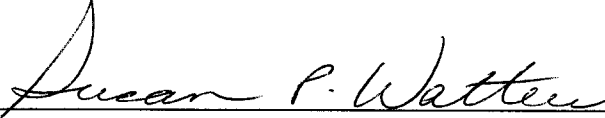
- \$17,121.00 in United States Currency.

And whereas, the Court has been advised that no claims have been made in this case regarding the property and the United States is not aware that any such claims have been made;

ACCORDINGLY, IT IS ORDERED as follows:

1. The United States shall seize the forfeited property described above;
2. The right, title, and interest in the property is condemned, forfeited, and vested in the United States of America for disposition according to applicable law;
3. All forfeited funds shall be deposited forthwith by the United States Marshal into the Department of Justice Asset Forfeiture Fund in accordance with 21 U.S.C. § 853(n)(1); and
4. The Clerk is directed to send copies of this order to all counsel of record and the defendant. The Clerk is further directed to send three certified copies of this order to the United States Marshal.

DATED this 11th day of July, 2017.



SUSAN P. WATTERS
United States District Court Judge